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## VIII

All in all, the monograph of Professor Lietzmann repays detailed attention. It is replete with sound learning and fairly groans with good suggestions. The order of exposition, however, is bafflingly labyrinthine. The author forces one to plod after him from one corner of the argument to another, a zigzag which has only occasional zest. At times it is like being led blindfolded through the trenches: one burns to break loose and go straight over the top to the objective. But if one is patient, Lietzmann leads one out of the labyrinth to the commanding goal, to the veritable tomb of Peter.

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TERTULLIAN ON PLINY'S PERSECUTION OF CHRISTIANS

By the kindness of the editors of this *Journal*, I, a mere pagan classicist, am admitted for a few minutes to the high company of professed theologians and patristic scholars. It would have been well if I had earlier scouted at least within hearing distance of their learned circle, for I should not then have been forced to apologize for my ignorance till now of what one of them was long ago discussing.

Only yesterday I took up the recently published edition of the late Professor Mayor's notes on Tertullian's *Apologeticus*, to which Professor Souter has contributed, in addition to his editorial work, a very welcome English version of the text of the tractate. Tertullian says, in the well-known passage in the second chapter, that when Pliny was governor of a province, though he had dealt with certain cases of Christians brought before him (*damnatis quibusdam Christianis, quibusdam gradu pulsus*), he became so dismayed by the great number of the accused that he asked Trajan for direction about his further procedure. The phrase quoted above is translated by Professor Souter, "after condemning some Christians, and having dislodged others from the stand they had taken up"; and in a note he refers, apparently in defense of his rendering, to an article by G. A. T. Davies published in the *Journal of Theological Studies*, XIV (1913), 407-14. On referring to the article I was surprised and interested to find that Mr. Davies had taken, as apparently the immediate incitement to his argument about the meaning of *gradu pulsus*, an address I made before the *Versammlung deutscher Philologen und*

Schulmaenner, at its Graz jubilee meeting, and published in *Wiener Studien*, XXXI (1909), 250-58.

The address was not on Tertullian, but on the transmission through the Middle Ages of the text of the correspondence between Pliny and Trajan. In the course of my historical outline I incidentally pointed out that there is, so far as my knowledge goes, no extant first-hand reference to that correspondence from the days of Pliny himself to the discovery of the Codex Parisinus nearly fourteen hundred years later, save for the one well-known instance of Tertullian: no heathen writer contains either mention or reminiscence of it, and all Christian writers who cite it are later than Tertullian and have no ultimate authority other than his summary of the two letters about the Christians (x. 96, 97). I even ventured the suggestion that Tertullian himself might not have seen the original text, but might have been drawing upon an earlier and not entirely accurate account of it. Being disposed to accept the usual understanding of *gradu pulsus* as referring to degradation from civic rank, I merely took occasion in passing to suggest how the phrase might have come into Tertullian's account, though nothing like it stands in that of Pliny. This part of my article Mr. Davies summarizes accurately enough, but he seems to labor under some misapprehension as to its bearing on my theme. I hope my German style was not responsible for his confusion. But he declares that "Professor Merrill thus recognizes that the reference to Pliny in the second chapter of the *Apologeticum* is the one bar to the acceptance of his theory of the text-tradition of the Pliny-Trajan correspondence. Accordingly he seeks to convict Tertullian of two errors in his citation, and so to prove that the apologist had never seen the actual letters," etc. Now I must protest that I "recognize" no such thing. I cannot imagine what Mr. Davies supposes my "theory" aforesaid to be. What appreciable effect can it have on my historical account of the *Ueberlieferungsgeschichte* whether *gradu pulsus* means one thing or the other, or Tertullian did or did not know the *Letters* at first-hand? My point was only that there is no other independent allusion to these especial *Letters* till after the fifteenth century. If I joined in a current misapprehension of the meaning of Tertullian's words (it is as old as Eusebius), and suggested an unacceptable hypothesis to bolster it up, my sense and judgment may merit censure, but my general thesis is not involved. Again, Mr. Davies remarks that I assign the appending of the tenth book to the other nine to "about the tenth century": on the other hand, I say distinctly, "danach bin ich geneigt . . . dessen Beifuegung . . . in das siebente oder achte Jahrhundert

zu setzen." I also did cite Jerome. And Mr. Davies does not even quote the title of my article correctly. I am afraid that he in some respects falls under the same sort of condemnation as Tertullian and Eusebius.

But, after all, Mr. Davies is fundamentally concerned with what only incidentally concerned me at that time, the meaning of *gradu pulsus* in the passage cited. His argument appears to me somewhat convoluted and complicated with some considerations that have no immediate bearing on the point at issue, but to be capable of summarization about as follows:

1. The meaning "deposed in rank" for *gradu pulsus* originated, so far as we are concerned, in a Greek version of Tertullian used by Eusebius, and therein was a manifest blunder.

2. Tertullian has "suffered some undeserved discredit" in his "repute as a student of law and of history," and "critics have set out with a bias against him"; therefore we should be cautious in accepting an interpretation that compels us to postulate inaccurate report by him of his authority.

3. *Damnatis* and *gradu pulsus* must logically be understood as denoting two contrasted classes that taken together include the whole company; and as a fact that accurately corresponds to Pliny's words, since he speaks of some as persisting in their confession of faith, others as yielding (*alii . . . esse se Christianos dixerunt et mox negauerunt*).

4. That *gradu pulsus* refers to displacement from civic rank is antecedently improbable because "it is very questionable whether any instances of degradation on account of Christianity can be cited before, at least, the middle of the third century."

5. *Gradu pulsus* is therefore most naturally taken in the sense of "forced from their position" (i.e., "constrained to recant"), and this metaphorical use of *gradus* derived from military tactics is common in Tertullian as in other writers. [I think, if I had been coaching Mr. Davies for his argument, I should have urged him to put in the forefront of his parallels not the two passages he especially selects for that post—they merely illustrate an undisputed figurative use of *gradus*—but one passage only, and that, the one from *adu. Marc.* iv. 9 *fin.*, *dum te, Marcion, de gradu pellam*, which he relegates to a position among the reserves.]

6. To ascribe to *gradu pulsus* the other sense (of loss of civic status) is to postulate unnecessarily an intrusion by Tertullian into Pliny's account, and one which is not satisfactorily explicable; for Professor Merrill's suggested explanation is "mechanical" [whatever that may mean], and involves more difficulties than it clears away.

I am not disposed to emulate the obstinacy only of those early Christians by sticking to a position that I have once taken, if the truth is

against it. I have surrendered posts as untenable that concerned my campaign more nearly than this. Nor did I assume the Eusebian interpretation of *gradu pulsus* without knowing that another was possible, or at least defensible. I think Mr. Davies must be mistaken in supposing that the interpretation he espouses has never been considered. I am only a casual and cursory reader of Tertullian, but before I ever attacked his treatise against Marcion my attention was called to the clause therefrom quoted above by the express citation of it in some book or other as a parallel to *gradu pulsus* in the *Apologeticus*. The phrase in *adu. Marc.*, I should think, could not fail to have suggested to many others also the idea perhaps for the first time formally discussed in print by Mr. Davies. But judgment was not in danger of going entirely by default before his appearance as advocate. I did not discuss the meaning of the phrase, because neither of the two suggested meanings had any essential bearing on my theme. Perhaps I erred in taste by delaying my course under those circumstances long enough to suggest how the assumed interpolation might have been prompted. Now, however, I may take occasion first to offer briefly some considerations on Mr. Davies' courteous criticism of my *obiter dictum*, and afterward on the main question of the meaning of *gradu pulsus*, first premising that the accuracy of the Eusebian translation by no means stands or falls with the quality of my suggested explanation of the "interpolation," though Mr. Davies does me the honor of discussing my note at such length. He even says that "the orthodox theory has lately been revived in a more elaborate form" by me. I certainly had no such intention at miracle-working. I did not even know it was dead. I feel like the innocent fisherman who pulled the stopper out of a bottle, and was immediately confronted by an immense and glowering Djinn. I must reply with what fortitude I may to his observations.

In the first place, Mr. Davies opines that Tertullian, writing only nominally for Roman magistrates, but really for public effect, would not trouble himself about such *apices iuris*, which "would certainly be wasted on the ordinary man." But Tertullian was writing primarily for magistrates; and Mr. Davies himself pleads only a few pages before that Tertullian was a most learned jurist and ought not to be rashly suspected of any errors of knowledge or (inferentially) of statement on legal matters. But at the close of his article Mr. Davies argues that those who hold to the Eusebian interpretation fall into the error by treating the passage as "calm historical prose," whereas it is in reality a piece of "fervent rhetoric" of "impassioned content." That is, Tertullian did not say

what we prosy old Eusebians think he said; or, if he did say it, it was because of his emotional nature and habit of expression. It is not such argument as this that can constrain us to recant.

Mr. Davies gently reproves me for conveniently "elongating and contracting Tertullian's memory to suit my theory," because I suggested that Tertullian, or his predecessor in the statement, might be well acquainted with the law of his own time, and yet not know (or have forgotten) that a certain point of it stood otherwise seventy-five or a hundred years earlier. I cannot honestly confess that I see any act of violence or of prestidigitation in that suggestion of mine. It still sounds to me quite reasonable *per se*. I must plead incompetence to pass on the general question of Tertullian's inerrancy, but I had not supposed that competent critics were generally impressed by the uniformly strict precision of his dealings with authorities. Yet even so, I was so favorably disposed to his cause as to incline to the belief that he might be following an earlier summarizer of less knowledge, or of the half-knowledge that led to error. Mr. Davies disregards here this part of my statement.

Mr. Davies next finds difficulty in my posited belief that decurions in Pliny's time were not necessarily Roman citizens. He points out that they were definitely made so later *ex officio*, and therefore some of them may have been given this status earlier. I did not assert, and did not need to assert, that no decurion of Pliny's time was a Roman citizen; but in order to make Mr. Davies' contention on this point of value for his argument, he must suppose the possible, but by no means probable, case that all the decurions in Pliny's jurisdiction who were putatively accused of being Christians happened to be Roman citizens, and that Tertullian also knew, or inferred, this to be so, and therefore could have found no difficulty in Pliny's procedure. This requires a greater effort of the imagination than even I can make.

Mr. Davies then proceeds to remonstrate that I "apply undue pressure to the text from the Digest to make it yield proof that decurions enjoyed almost absolute exemption from the death-penalty." I cited the text indeed, with precise accuracy, but without any such deduction as Mr. Davies thus reads into my statement of the law. He, however, argues that any man—decurion, citizen, or what not—might at any time suffer death for treason. But that contention is not in point here, unless Mr. Davies is prepared to contend also that these Bithynian Christians were charged with treason, or that membership in a forbidden *hetaeria* was at that time classed as treason. I grant that it involved the same penalty, but that is quite another matter. (Incidentally, I suspect

that Mr. Davies, perhaps like Tertullian, needs to be careful about the date of certain legal enactments.)

After the consideration of all these points urged against me, I nevertheless find myself unable to concede that my suggested explanation of the origin of the supposed interpolation into, or correction of, Pliny's report is intrinsically unreasonable, or creates more difficulties than it solves. But I concede that if *gradu pulsus* does not bear here the Eusebian meaning, or rather, if it does bear that supported by Mr. Davies, my explanation is of course quite superfluous. Accordingly, to the question of the meaning of the phrase at issue I now turn.

We may start by agreeing that *gradu pellere* may have in general the meaning of "constrain to abandon a position." Similarly, it appears patient of the meaning "degrade from civic status." Mr. Davies does not deny this, and the analogy of other expressions with *gradus*, or similar words, used by other writers, and especially by the jurists, is in its favor.

The arguments from antecedent probability ought to be dealt with first. Mr. Davies holds that *gradu pulsus* might be expected to furnish a just antithesis to *damnatus*—"some condemned, others driven to recantation." I do not so feel the case. It seems to me quite as natural to expect the thought to run something like this: "When Pliny was governor of a province, cases of Christians were brought before him. He at first administered the set penalties in the usual manner—*damnatis quibusdam Christianis, quibusdam gradu pulsus*—yet the time speedily came when he was led to adopt a different procedure."

With regard to the effect of the other alleged argument from antecedent probability, that no certain cases of punishment of Christians by degradation can be cited earlier than the middle of the third century, a half-century later than Tertullian's time, conceding the fact, I see little strength in the plea based upon it. A very considerable number of crimes on the part of a decurion appear to have been punished by degradation; and I am little affected in general by arguments that run as follows: "No case of the specified sort is surely known before such-and-such a time; therefore in the alleged case, which is considerably earlier, we are bound to believe that the text or the interpretation is at fault." There are limits to the validity of such forms of argument! I had by accident before my eyes today a word that indubitably occurs in Cicero's *Letters*; yet it "does not occur" again until Tertullian, and only once after him, if the Thesaurus collections can be trusted.

On the other hand, I should not have supposed that the skilled pleader Tertullian would emphasize, or even thus needlessly mention,

the fact that some Christians recanted, when only a few lines before he has been proudly proclaiming, as he often does later, that Christians universally welcome their condemnation with exultant gratitude. I would not wantonly suspect Tertullian of a tendency to disingenuousness; but on the assumption that he did understand Pliny's account as Mr. Davies does, all that he needed to say here for the sake of his argument was that Pliny, when governor of a province, engaged in the trial of Christians, was so impressed by the number of the accused or suspected that he suspended further proceedings until he could consult Trajan more specifically about the treatment to be accorded them. I find difficulty in believing that the shrewd and accomplished controversialist would go out of his way to quote a detail not necessary or even strictly relevant to his immediate argument, but one that would surely put into the hand of a possible antagonist a keen weapon to use against him in his claims about the fortitude of his fellow-sectaries. And I should suppose furthermore that, if he were to mention their recantation, he would use to describe it one of his ordinary phrases, saying that they were constrained "to sacrifice," or "to deny the name"; and, certainly, in consideration of the effect that his admission must have on his repeated claim that Christians were unshaken in the face of death, that he would attempt in some measure to palliate, or to apologize for, the defection of these weak brethren by some additional phrase pointing out briefly the skill and subtlety of the arguments directed against them. It cannot be supposed that the commonplace figure *gradu pulsus* does this sufficiently.

But there is no need to my mind of dallying thus with antecedent probabilities, since I am convinced that a decision may be surely reached and in the most natural way, by the unprejudiced analysis of Pliny's own narrative, and the examination of Tertullian's utterances founded upon it.

How, then, does *gradu pulsus* in Mr. Davies' sense actually fit in with the account given by Pliny? What part, if any, did recantation play in the circumstances of the Bithynian persecutions, and in Tertullian's comment on Pliny's letter?

According to Pliny's narrative the course of the prosecutions exhibits two chronologically distinct phases. At first various people were brought before him, apparently charged in the ordinary form by a known complainant. All of these apparently (there is no intimation of exceptions and the denials of the second phase appear to be contrasted with these confessions) at once acknowledged their adherence to the prohibited



*hetaeria*, and, despite the governor's humane warnings, persisted in their mad obstinacy.

It is of the utmost importance to know and to keep in mind what I suspect has been very commonly overlooked or not understood, that at the moment under consideration there was no possibility in Roman law of an escape from penalty by simple recantation at the trial, any more than for a murderer to secure acquittal by saying, "I will not act so again." If the defendants have retained their membership in a proscribed *hetaeria*, the crime has been committed, and condign punishment must follow. The repeated questioning has only one object in view, to determine the simple fact whether the accused have been actually guilty; to impress upon them the serious consequences of their confession; and to urge them rather to assert and prove their innocence, if they can. It proceeded from a similar motive to that underlying the procedure in certain of our courts, when the person indicted for a crime for which the penalty is death is not permitted to enter a plea of guilty; he must not be sent to execution on merely his own confession, for men have sometimes confessed even most serious crimes of which they were entirely innocent.

No other interpretation of Pliny's account is justifiable. To be sure, he did afterward ask Trajan if there could not be what we might call a relaxation of the law in four particulars: (1) in regard to the general duty laid upon governors to search out offenders; (2) by permitting discrimination according to the age of the culprits; (3) by taking into consideration the moral character of the associations, and requiring proof of something more culpable than the primary fact of membership; (4) by ruling that present abjuration in the case of Christians might work indemnity for past offenses. But at the time of the first batch of trials no hesitation had been aroused in his mind about the moral justification of the current procedure. The only question to be determined was the plain one whether the accused were in fact Christians or had been so since the publication of his edict forbidding the existence of such organizations as theirs; and his ultimate judgment was rendered much easier by their persistence in confession, since no evidence in their favor or against them needed to be examined and weighed. There could have been in these cases no question of the possibility of the mitigation of sentence by confession, for the one penalty prescribed by the law was death. His natural kindness had, to be sure, made him unwilling to accept their prompt plea of guilty, but their invincible stubbornness in thus rushing upon certain death finally wore out his patience. They probably were

guilty, or they surely would have yielded to his well-meant urgency and have adduced some evidence of innocence, were it only by changing their plea and challenging the production of proof against them. Or, if they were possibly not guilty, they were indubitably mad, and such madness is sometimes contagious; madmen at any rate cannot be turned loose upon the community.

Evidently up to this time Pliny was administering the law on the well-understood existent legal principles. He had not the slightest concern with procuring recantation, though he had much humane concern about procuring evidence that the accused were not guilty. I more than suspect that much confusion has arisen in recent times by carrying back to the setting of this first series of Bithynian trials, scenes that were familiar enough after Trajan's rescript. Perhaps also judgment has sometimes been obscured by our very understanding of and sympathy with the emotional and religious feeling of the Christian about abjuration.

To return to Pliny's narrative: as the inevitable issue of the court proceedings, the culprits who could plead Roman citizenship were sent to stand trial at Rome; the rest were put to death. Then followed the second phase of the prosecutions, marked by *plures species*, and especially by the submission of an anonymous accusation against many persons. Of these defendants two classes are particularly distinguished by Pliny as really not Christians, but falsely accused, or at least erroneously accused. Each proved its case to Pliny's entire satisfaction by taking the proffered tests (of prayer and sacrifice to the Roman gods—including the emperor—and of reviling Christ), tests which Pliny believed infallible in the determination of the fact. The former group declared they never had been Christians, and convinced the governor of the truth of this additional assertion about their past conduct. These he thought himself justified in releasing. The latter group was in a different case. They at first had said they were Christians, and then said they were not, and proved the after assertion by (readily, we must assume) taking the tests. Presumably on being asked why, then, they had at first said they were Christians, they answered that it was because they had once been so. Of the fact that they are not Christians, Pliny is convinced. To the temporary contradiction in their declarations he attributes no importance. Possibly he thought there was a misapprehension in the interrogatory; but whether that was so or not, the discrepancy could make no certain difference in their status before the law, and therefore he does not dwell upon it. He mentions it simply to

explain the source of his added information about the association. If these persons had not confessed that they were once Christians, and if they had not proved that they were so no longer, Pliny would not have found out so much about the mysterious club. That is all there is to the matter. He expresses no judgment on the truthfulness of the declarations made by certain of them as to the long time that had elapsed since they abandoned the Christian communion—some specifying three years, some more, some few even twenty years. That seems to have interested him only as an assurance that they had been out of it long enough to have lost all possible attachment to former ties and might perhaps be trusted to tell him the truth about its practices. But in spite of his conviction that they certainly are not Christians, Pliny does not treat them as he did the former group of those who took the tests. He does not at once discharge them from custody, even after learning all that they could tell him about the Christian customs. He is not sure about the element of time in their cases; some of them certainly, more of them possibly, have incurred the penalty by retaining their membership since the edict. The utmost possible extent of his discretion, even after the examination of the deaconesses, is to suspend proceedings until he can submit certain suggestions to the emperor. He will ask Trajan *detur paenitentiae uenia an ei qui omnino Christianus fuit desisse non prosit*.

Trajan's answer to this and the other questions of Pliny summarized above is definite and decidedly lenient. Anonymous accusations are contrary to the spirit of his reign and should be disregarded; the governor is relieved in the case of Christians of the general duty laid upon him to search out criminals *proprio motu*; an obstinate Christian, if duly charged and convicted (and the risk of counter-action run by an unsuccessful private prosecutor should be remembered), must of course be punished, for *hetaeriae* remain forbidden in Bithynia; but if he will take the test, he is to be granted immunity for the past offense, if any has been committed; no question is to be raised about his conduct up to that minute; he is to be acquitted *ipso facto*.

Up to the date of Trajan's rescript, what is later known as recantation or abjuration could have no legal effect whatever on the status of the accused; after that time it was all that was required to insure acquittal. Pliny (I repeat and insist) evidently thoroughly understood the state of the case at the time of his appeal to Trajan and had administered under it. There is not the slightest scintilla of indication otherwise. There is no intimation that he pressed the accused to anything

like simple recantation;<sup>1</sup> that could make no difference with their fate, if they had been Christians since the publication of the fateful edict. Doubtless Pliny greeted with joy Trajan's relaxation or benevolent interpretation of the law, and of course he must have changed his procedure accordingly. From that time onward governors commonly urged and even tried to force Christians to recant, simply in order to have a legal excuse for acquitting them; but it is a manifest anachronism to estimate Pliny's earlier procedure in the light of these later conditions.

Tertullian also clearly understands the whole tenor and importance of Trajan's rescript. He is perfectly aware of the change produced by it. He has no especial comment to pass on Pliny, but on Trajan's action in regard to the recantation-test he bases that whole perverse forensic outcry against the cruel inconsistency that gives and withholds, condemns and acquits, in the same breath; and it is the ill-used text for all the overwhelming flood of vehement and extravagant oratory with which he boisterously taunts and jeers, flouts and reproaches, governors for pressing Christians by argument, by threat, and even by torture, just to deny the name, that their judges may have the legal pretext for letting loose upon the world again men whom they logically must believe guilty of all the horrible and nameless enormities charged against Christians by popular hate and pruriency.

*Gradu pulsus* in *adu. Marc.* iv. 9, and in the sense attributed to it by Mr. Davies in *Apol.* 2, refers to refutation or defeat by force of argument. But of this there is not a shadow of a suggestion in Pliny's letter. There could not be. It is quite impossible that Pliny made any attempt to constrain recantation, or that Tertullian could have supposed that he did. *Gradu pulsus* in the *Apol.* passage cannot possibly have meant on Tertullian's pen "'forced from their position,' i.e., constrained to recant." If it did, he would also certainly have joined Pliny with Trajan and the later provincial governors in the same sweeping condemnation. As it is, he leaves him out, and logically so.

If anyone is still influenced by the thought that *gradu pulsus* is used in *adu. Marc.* in the sense of driving a man to withdraw from an adopted argumentative position, let him ask himself whether it is unreasonable to suppose that a writer might in one treatise use a natural figure in one sense, and many years later in another treatise use it in a different but equally natural sense, or that he might say *gradu* in one place and *de gradu* in the other.

<sup>1</sup> I must retract what I myself said fifteen years ago at variance with this on pp. 438, 442 of my *Selected Letters of the Younger Pliny* (Macmillan's Classical Series).

The only other easy alternative to the meaning proposed by Mr. Davies, which I have tried to prove that we must reject, is the one that seized the commanding position so long ago. It at any rate is not an indefensible blunder of Eusebius, or of his translator of Tertullian, nor is it of those who still follow his understanding.

But the apparent Eusebian interpretation requires an explanation of the manner in which the phrase could have come into Tertullian's text. I have defended my suggestion on this matter against the specific objections brought forward by Mr. Davies. But I have no unshakable attachment to it, and would gladly accept a better or simpler hypothesis. Though I find it impossible to go along with Mr. Davies, I also have great sympathy with his evident feeling that no assigned meaning of *gradu pulsus* is really satisfactory which leaves us with a great deal of subsidiary explaining to do. I also would like to believe that Tertullian was justified by fact in saying what he did, however rhetorically he put it. He seems to have understood Pliny most precisely in other details and principles. Why not also in this? That is just why I rather wanted to shift the responsibility for *quibusdam gradu pulsus* over upon the shoulders of some unknown reporter. Possibly the solution will yet come through a different interpretation of *gradu pulsus*. I will even confess that I have sometimes wondered whether Tertullian could have used the metaphor with "just antithesis" of that other class of the first sufferers, the Roman citizens, who were to be sure not *damnati* by Pliny, but were "driven from their station" by being violently uprooted from all their connections and activities, charged as common criminals, and shipped off to Rome for ultimate trial and probable conviction. If this could have been his meaning, there would be at any rate no interpolation to need explaining, and that would suit me and the general case better.

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